UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/762,036 | 01/21/2004 | Stephen J. Todd | E0295.70201US00 | 3938 |

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| EXAMINER |
|---|
| LEROUX, ETIENNE PIERRE |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2161 | |

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| 10/14/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| | 10/762,036 | TODD ET AL. |
| **Office Action Summary** | Examiner | Art Unit | |
| | Etienne P. LeRoux | 2161 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>21 August 2008</u>.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>30,32-46,48-62 and 64-91</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>30,32-46,48-62 and 64-91</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 8/21/2008 has been entered.

## Claim Status

Claims 29, 30, 32-46, 48-62 and 64-91 are pending.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 29, 30, 32-46, 48-62 and 64-91 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hochberg (US 2005/0055518) in view of Carpentier (US7,263,521) and

further in view of McIntosh (US 6,185,576).

Regarding claim 29, 45, 61, 73, 74, 80, 86, 89, Hochberg discloses

(A) receiving a request, from the host, to delete a unit of data stored on the storage system

[Hochberg, Fig 8, step 230, receive request to delete an object]

(B) in response to the request, determining whether a previously-defined retention period for the unit of data has expired [Hochberg, Fig 8, step 246]

Hochberg discloses the elements of the claimed invention as noted above but does not disclose (B1) retrieving first information, associated with the unit of data, that identifies a manner of accessing second information specifying the previously-defined retention period. Carpentier discloses content-addressable information is stored and retrieved by the use of hash functions [Carpentier, col 1, lines 20-40, col 4, lines 55-65, col 6, lines 50-60, Fig 1A, Fig 2,]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hochberg to include (B1) retrieving first information, associated with the unit of data, that identifies a manner of accessing second information specifying the previously-defined retention period based on the teachings of Carpentier for the purpose of navigating through documents in a content space [Carpentier, abstract].

The combination of Hochberg and Carpentier discloses the elements of the claimed invention as noted above but does not disclose wherein the first information is information identifying a retention class to which the unit of data belongs. McIntosh discloses a retention class to which the unit of data belongs [McIntosh, col 6, lines 15-20]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Hochberg and Carpentier to include wherein the first information is information identifying a retention class to which the unit of data belongs based on the teachings of McIntosh for the purpose of conforming to legislative requirements for that particular type of document [McIntosh, col 1, lines 25-30, claim 1].

The combination of Hochberg, Carpentier and McIntosh discloses:

wherein the second information is the previously-defined retention period for the retention class

that defines a period of time during which units of data belonging to the retention class cannot be

deleted from and/or modified on the at least one storage system, and wherein the at least one

storage system stores a record associating the retention period with the retention class [McIntosh,

claim 1, retention period determined by governmental requirements]

(B2) using the first information to retrieve the second information specifying the previously-

defined retention period [Hochberg, paragraph 22, archived object has a retention period]

(C) when it is determined in the act (B) that the retention period for the unit of data has not

expired, denying the request to delete the unit of data [Hochberg, paragraph 22, retention period

has not expired, request to remove object is denied]

Regarding claim 30, 46, 62, the combination of Hochberg, Carpentier and McIntosh discloses an

act (D) of deleting the unit of data when it is determined in the act (B) that the retention period

for the unit of data has expired [Hochberg, paragraph 2].

Regarding claim 32, 48, 64, the combination of Hochberg, Carpentier and McIntosh discloses

wherein the act (B2) further comprises accessing the record on the storage system to retrieve the

previously-defined retention period [Hochberg, paragraph 23].

Regarding claim 33, 49, the combination of Hochberg, Carpentier and McIntosh discloses

(D) receiving, at the at least one storage system, a second request from the at least one host,

requesting that the at least one storage system modify the retention period of the retention class

[Hochberg, paragraph 23]

Regarding claim 34, 50, 65, 75, 81, 87, the combination of Hochberg, Carpentier and McIntosh discloses wherein the second request is a request to reduce the retention period of the retention class [Hochberg, paragraph 22]

Regarding claim 35, 51, 76, 82, 88, the combination of Hochberg, Carpentier and McIntosh discloses wherein the second request is a request to increase the retention period of the retention class [Hochberg, paragraph 23]

Regarding claim 36, 52, the combination of Hochberg, Carpentier and McIntosh  discloses modifying the second information specifying the retention period in response to the second request [Hochberg, paragraph 23]

Regarding claim 37, 53, the combination of Hochberg, Carpentier and McIntosh discloses modifying the second information without modifying the content of the unit of data [Hochberg, paragraph 23, 24]

Regarding claim 38, 54, 66, 83, the combination of Hochberg, Carpentier and McIntosh discloses wherein the second request comprises an event command indicating the occurrence of an event [Hochberg paragraph 23]

Regarding claim 39, 55, 67, 78, 84, 90, the combination of Hochberg, Carpentier and McIntosh discloses wherein the event command does not specify the manner in which the retention period of the retention class is to be reduced, and wherein the act (D) further comprises an act of determining the manner of reducing the retention period of the retention class by referring to information stored within or accessible to the storage system [Hochberg, paragraphs 23, 24]

Regarding claim 40, 56, 68, 79, 85, 91, the combination of Hochberg, Carpentier and McIntosh discloses wherein the second request specifies the manner in which the length of the retention period of the retention class is to be reduced [Hochberg, paragraph 22]

Regarding claim 41, 57, 69, the combination of Hochberg, Carpentier and McIntosh discloses (D 1) determining whether the retention period for the retention class is permitted to be reduced; and (D2) reducing the retention period only when the retention period for the retention class is permitted to be reduced [Hochberg, paragraph 24]

Regarding claim 42, 58, 70, the combination of Hochberg, Carpentier and McIntosh discloses determining whether the retention period of the retention class is designated as capable of being reduced [Hochberg, paragraph 24]

Regarding claims 43, 59, 71, the combination of Hochberg, Carpentier and McIntosh discloses wherein the act (D1) further comprises determining whether the retention period of the retention class is designated as capable of being reduced by examining the retention period [Hochberg, paragraphs 23 and 24]

Regarding claims 44, 60, 72, the combination of Hochberg, Carpentier and McIntosh discloses determining whether the retention period of the retention class is designated as capable of being reduced by examining a flag associated with the retention class [Hochberg, paragraph 31]


### *Response to Arguments*

Applicant's arguments with respect to RCE filed 8/21/2008 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday through Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Etienne P LeRoux/
Primary Examiner, Art Unit 2161

10/9/2008